

REMARKS

Claims 55, 57-59, 61, 62, 64, 65, and 67-73, are pending in the subject application and are rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,605,401 to Chmelir et al. For the following reasons, applicants respectfully traverse this rejection. As discussed with the Examiner over the phone, Claim 55 is a method claim directed to a method of binding superabsorbent particles to cellulose fibers. Claim 55 from which the balance of the claims depend, recites the step of providing binder containing cellulose fiber wherein the binder-containing cellulose fiber comprises about 1 to 40% by weight based on the weight of the cellulose fibers of a binder comprising the recited non-polymeric binders. Claim 55 goes on to recite additional steps of combining superabsorbent particles with the binder-containing cellulose fibers and binding the superabsorbent particles to the binder-containing cellulose fiber. The Examiner's Action asserts that:

As for the new limitation that 'about 1 to 40% by weight based on the weight of the cellulose fibers of a non-polymeric binder', this is inherently included in the fibers of Chmelir et al. after the cellulose fibers are suspended in the solvent (ethanol, other organic similar organic solvent) and filtered to remove the solvent and form a sheet.

The Examiner's Action in paragraph 4 goes on to assert that:

Applicant's comment that Chmelir et al. teaches a ratio of about 80 times (8,000%) excess ethanol based on the weight of the fiber and not 1-40% by weight as claimed is not persuasive because the higher ratio (8000%) is at when the cellulose are suspended in the ethanol solution prior to filtering to form a sheet; however, at condition when the sheet is formed

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after filtering and/or drying, the ratio of the binder to fibers should be inherently in the lower range of 1-40% by weight.

While the reasoning in the Examiner's Action may be appropriate in the situation where applicants' claim was directed to a composition of matter, applicants point out that Claim 55 and the balance of the rejected claims are method claims which recite a step of providing binder containing cellulose fibers that include about 1-40% by weight binder which is then combined with superabsorbent particles. Chmelir discloses a suspension of fibers in an organic solvent. Suspending the fibers requires an excess of the solvent. Example 1 of Chmelir is illustrative and discloses a combination of fibers and 8000% solvent. Chmelir et al. does not disclose a process that contacts superabsorbent particles with binder-containing cellulose fibers comprising 1-40% binder. The fact that the fibers of Chmelir et al. after being filtered or dried might include 1-40% by weight ethanol does not anticipate or render obvious applicants' claimed method.

In view of the foregoing, applicants' assert that the subject matter of Claim 55 and the claims dependent therefrom is novel and nonobvious over Chmelir et al. and accordingly, the outstanding rejection should be withdrawn. The Examiner is requested to reconsider the application in view of the remarks above and allow the application.

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If the Examiner has any questions regarding the above, he is invited to call applicants' attorney at the telephone number listed below so that any outstanding issues can be resolved in a timely and efficient manner.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, Group Art Unit 3600, Examiner Tan D. Nguyen, at facsimile number (703) 872-9674 on August 15, 2003.

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